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Attorney for Defendant
WALTER SMITH

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

| | | |
|---------------------------|---|-------------------------------------|
| UNITED STATES OF AMERICA, |) | Case No. 2:23-CR-0112-DJC |
| Plaintiff, |) | |
| vs. |) | STIPULATION AND ORDER |
| |) | CONTINUING STATUS CONFERENCE |
| WALTER SMITH, |) | AND EXCLUDING TIME |
| Defendant. |) | |
| |) | Judge: Hon. Daniel J. Calabretta |
| |) | Date: January 18, 2024 |
| |) | Time: 9:00 a.m. |

Plaintiff, United States of America, and defendant, Walter Smith, hereby stipulate that the status conference scheduled for January 18, 2024, may be continued to April 18, 2024, at 9:00 a.m.

The government has provided 1375 pages of discovery, including audio and video evidence, but has yet to complete its review of devices seized from Mr. Smith or to disclose the results of that review. The parties agree that this must be done before the case may be further scheduled. Once the government's review is completed, the defense may require additional time to review, investigate, and determine what steps are needed to prepare and schedule the case. The parties therefore agree, and request, that the Court should exclude time under the Speedy

1 Trial Act from the date of this order through April 18, 2024, pursuant to 18 U.S.C. section
2 3161(h)(7)(A) and (B)(iv) (Local Code T4). The parties agree that the period of delay results
3 from a continuance granted at the request of the defense and that the ends of justice served by
4 taking such action outweigh the best interest of the public and the defendant in a speedy trial.

5 Respectfully Submitted,

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7 Dated: January 12, 2024

/s/ Tim Zindel
TIMOTHY ZINDEL
Attorney for WALTER SMITH

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10 PHILLIP A. TALBERT
11 United States Attorney

12 Dated: January 12, 2024

/s/ T. Zindel for R. Yang
ROGER YANG
Assistant U.S. Attorney

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15 **ORDER**

16 The status conference is continued to April 18, 2024. Time under the Speedy Trial Act is
17 excluded for the reason set forth above, the Court finding that the ends of justice served by taking
18 such action outweigh the best interests of the public and the defendant in a speedy trial.

19 IT IS SO ORDERED.

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21 Dated: January 12, 2024

/s/ Daniel J. Calabretta
THE HONORABLE DANIEL J. CALABRETTA
UNITED STATES DISTRICT JUDGE